

### REMARKS/ARGUMENTS

1. In the Final Office Action dated 5/13/2008, the Examiner rejected claims 1-3, 5-14, 16-24 and 26-31 under 35 USC § 103 (a) as being unpatentable over Nakano (U.S. Publication No. 2002/0147988) in view of Grzeczowski (U.S. Publication No. 2004/0049785); and claims 4, 15 and 25 under 35 USC § 103 (a) as being unpatentable over Nakano (U.S. Publication No. 2002/0147988) in view of Grzeczowski (U.S. Publication No. 2004/0049785) and further in view of Chatfield (U.S. Publication No. 2002/0138561).

Claims 1-31 are currently pending in this application. The rejections above have been traversed and, as such, the claims 1-31 are allowable.

2. As discussed above, claim 1 was rejected under 35 USC § 103 (a) as being unpatentable over Nakano (U.S. Publication No. 2002/0147988) in view of Grzeczowski (U.S. Publication No. 2004/0049785). Amended claim 1 recites in part:

responsive to determining to inform the user of the receipt of the email message, generating a signal indicating availability of the email message,  
the signal including graphical information; [emphasis added]

While Nakano posts icons on a TV screen for users of a set top box (see paragraphs [0014] – [0016]), and Grzeczowski places icons on a screen in response to alert messages, neither Nakano or Grzeczowski teaches the generation and transmission of a signal that, itself, includes graphical information. For this reason, claim 1 and claims 2-5 that depend therefrom, are patentably distinct from the prior art. In particular, while claim 4 is further rejected based on the combination with Chatfield (U.S. Publication No. 2002/0138561), this additional reference does not correct the deficiencies created by the combination of Nakano and Grzeczowski.

4. As discussed above, claims 6, 11, 17, 22 and 27 were also rejected under 35 USC § 103 (a) as being unpatentable over Nakano (U.S. Publication No. 2002/0147988) in view of Grzeczowski (U.S. Publication No. 2004/0049785).

Amended claim 6 recites:

receiving, as part a content signal sent by an interactive television service to at least one viewer, a signal that is multiplexed into the content signal and modulated with the content signal, indicating receipt of an email message by a Post Office Protocol (POP) account of a user of an interactive television service; the signal including graphical information and wherein the signal is independent of any query by the user or user equipment of any email account, [emphasis added]

Amended claim 11 recites:

responsive to determining to inform the user of the receipt of the email message, generate a signal indicating availability of the email message, wherein the signal is multiplexed and modulated with the content signal, and wherein the signal includes graphical information. [emphasis added]

Amended claim 17 recites:

responsive to determining the signal is relevant to the user, display on a screen an indication that the signal has been received, the signal including graphical information for display, [emphasis added]

Amended claim 22 recites:

responsive to determining to inform the user of the receipt of the email message, generate a signal indicating availability of the email message, the signal including graphical information; [emphasis added]

Amended claim 27 recites:

receive, from a receiver that demodulates and demultiplexes a signal contained in a content signal to a user of an interactive television service, the signal indicating receipt of an email message by a Post Office Protocol (POP) account of the user, the signal including graphical information; [emphasis added]

As discussed in conjunction with claim 1, neither Nakano or Grzeczowski teaches the generation and transmission of a signal that, itself, includes graphical information. For this reason, Applicant believes that claims 6, 11, 17, 22 and 27 and claims 7-10, 12-16, 18-21, 23-26 and 28-31 that depend therefrom, are patentably distinct from the prior art. In particular, while claims 15 and 25 are further rejected based on the combination with Chatfield (U.S. Publication No. 2002/0138561), this additional

reference does not correct the deficiencies created by the combination of Nakano and Grzeczowski.

Conclusions

For the foregoing reasons, the applicant believes that claims 1-31 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

No additional fees are believed to be due. The Commissioner is authorized to charge any fees that are required or credit any overpayment to Deposit Account No. 50-2126 (ATT030076).

RESPECTFULLY SUBMITTED,

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